1212

MS PETITION PATENT 2185-0570P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Splicant:

ARAI, Noriyuki et al.

Conf.:

4527

Appl. No.:

09/939,644

Group:

1712

September 29, 2003

Filed:

August 28, 2001

Examiner: P.A. SHORT

For:

THERMOPLASTIC RESIN COMPOSITION AND

MOLDING THEREOF

PETITION UNDER 37 C.F.R. § 1.181
TO WITHDRAW THE HOLDING OF ABANDONMENT

MS PETITION
Commissioner for Patents
P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Notice of Abandonment dated July 31, 2003, applicant hereby respectfully petitions under the provisions of 37 C.F.R. § 1.181 and MPEP § 711.03(c) for a decision to withdraw the holding of abandonment due to failure to receive an Office Action.

The Notice of Abandonment dated July 31, 2003 indicates that this application was abandoned in view of the applicant's failure to respond to an Office Action mailed on November 20, 2002. However, this Office Action was never received by the offices of the undersigned, and a search of the file jacket for the present application and the firm docketing records reveals that the Office Action of November 20, 2002 was never received. The offices of the undersigned did not become aware of the Office Action until advised of the holding of abandonment.

3/15/01

Appl. No. 09/939,644

The fact that the Office Action of November 20, 2002 was never received in the offices of Birch, Stewart, Kolasch & Birch, LLP is evidenced by Exhibits I, II, and III attached hereto.

Exhibit I is a copy of the front page of the file jacket of Appl. No. 09/939,644 (which corresponds to Attorney Docket No. 2185-0570P). It is the policy in our office to record all information regarding Office Actions and responses on the front page of the file jacket. As the Petitions Examiner will note, there is no entry for the Office Action dated November 20, 2002 on the front page of the file jacket of the above-referenced application.

Exhibit II is a copy of the computer-generated daily docket sheet of Birch, Stewart, Kolasch & Birch, LLP for the date of December 20, 2002 (the due date for said Office Action), containing entries made by our Docketing Department of due dates in response to PTO actions. It is the policy of our offices to docket all due dates for Office Actions received from the USPTO into our computer docketing system.

Although Application Numbers, Titles, Client Names, and Inventor Names have been redacted from this Exhibit to avoid public disclosure of these matters once the present application is patented, it is still clear that there is no entry for the due date of December 20, 2002 which corresponds to the current application, Attorney Docket No. 2185-0570P.

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Exhibit III is a copy of the manual docket book of Birch, Stewart, Kolasch & Birch, LLP for the due date of December 20, 2002. It is the policy of our offices to docket all due dates for Office Actions received from the USPTO into our manual docketing book.

Although Application Numbers and Inventors Names have been redacted from this exhibit to avoid public disclosure of these matters once the present application is patented, there is no entry for the due date for the above-referenced Attorney Docket No. 2185-0570P.

The undersigned certifies that he has reviewed the computergenerated daily docket sheets and the manual docket book for the due date of December 20, 2002 and did not locate an entry that corresponds to Appl. No. 09/939,644 to inventors Noriyuki ARAI; Hiroshi HARADA and Kazunori Akiyoshi.

In view of the above-described facts, it is respectfully submitted that the abandonment of the present application was unavoidable and due solely to problems with mailing of an Office Action since the Office Action dated November 20, 2002 was never received in the offices of Birch, Stewart, Kolasch and Birch. The present Petition is timely filed for this purpose.

Since the above-mentioned Office Action was never received in the offices of the undersigned, it is believed that no petition fee is necessary in connection with this Petition. In the event that a petition fee is deemed necessary by the USPTO, it is respectfully requested that the fee of \$130.00 as set forth

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in 37 C.F.R. § 1.17(h)(1) be charged to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Uh

Raymond C. Stewart, #21,066

P.O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000

RCS/KJR/rem 2185-0570P

Attachment(s)

(Rev. 04/30/03)



UNITED STATES PATENT AND TRADEMARK OFFICE

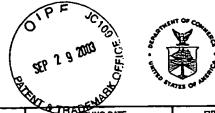
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WWW.mapto.gov

CONFIRMATION NO. FIRST NAMED INVENTOR ATTORNEY DOCKET NO. APPLICATION NO. FILING DATE 2185-0570P 08/28/2001 Noriyuki Arai 09/939,644 7590 BIRCH STEWART KOLASCH & BIRCH EXAMINER PO BOX 747 SHORT, PATRICIA A FALLS CHURCH, VA 22040-0747 PAPER NUMBER ART UNIT 1712

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding 130-



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trad mark Office

Address: COMMISSIONER OF PATENTS AND TRADEWARKS Washington, D.C. 20231

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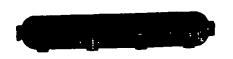
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NOTICE OF ABANDONMENT

This	app	lication is abandoned in view of:
卢、	,App	licant's failure to timely file a proper reply to the Office letter mailed on
		A reply (with a Certificate of Mailing or Transmission of
	Э́	A proposed reply was received on, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection. (A proper reply under 37 CRF 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114). No reply has been received.
	Apr	dicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
		The issue fee and publication fee, if applicable, was received on (with a Certificate of Mailing or Transmission
		dated
	☐ Apr	The issue fee and publication fee, if applicable, has not been received. Dicant's failure to timely file new formal drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
		Proposed new formal drawings were received on(with a Certificate of Mailing or Transmission dated), which is after the expiration of the period for reply.
		The proposed new formal drawings filed on are not acceptable and the period for reply has expired.
		No proposed new formal drawings have been received.
	inte	letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire
	The 37 (letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under CFR 1.34(a)) upon the filing of a continuing application.
	The	decision by the Board of Patent Appeals and Interferences rendered on and because the period seeking court review of the decision has expired and there are no allowed claims.
		PATRICIA A. SHORT PRIMARY EXAMINER *U.S. GPO: 2000-472-899/43202
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20- Dec-2002 Due Date	FINAL X FINAL ALLONDON	0445-0303 / United States of America	PENDING		03-Jul-2001	JAK TBS
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Due Date	Action Due	Docket Number/SubCase	Status	App Number	App Date	Other
Indicator	Action Type	Country	Client		Iss Date	Attys
Action Attorney(Attorney2):	(Attorney2): ADM ANDREW D. MEIKLE	IKLE				
20-Dec-2002	SPONSE	0147-0103 /	PENDING			ADM
Final	RS COTAGE	United States of America				LRS
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	Remarks	R. PARTY ZAMBRYSKI AN	Remarks: JR. PARTY ZAMBRYSKI AND SR. PARTY FRALEY TO FILE THEIR MAIN BRIEFS	R MAIN BRIEFS)
Action Attorney(Attorney2):	(Attorney2): CQC CHRYSTAL Q. CAM	AMACHO				
20-Dec-2002	FILED	2658-0295 /	Unfiled			JAK
Final	TBFA	United States of America				JAK
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Action Attorney	Action Attorney(Attorney2): EHV EDWARD H. YAKA	ABOR				
20-Dec-2002	EAL	0365-0515/	PENDING		05-Oct-2001	JAK
Due Date	AB AMerica ON ON ON United States of America	United States of America				ЕНУ
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Action Attorney(Attorney2):		Z 3				
20-Dec-2002	ISSUE FEE	1141-0111/	Published		23-Aug-2001	JWB
Final		United States of America	The state of the s		,	ЕТР
	Remarks	Remarks: PUB FEE				
Action Attorney(Attorney2):	(Attorney2): GMM GERALD M. MRRPHY, JR.	RPHY, JR.				
20-Dec-2002	TO BE FILED	1311-0128/	Unfiled			GMM
Due Date	TBF2 United States of America	United States of America		ſ		GMM
20-Dec-2002	BESDONSE	, toto 6357	V. 12 42 424			
Final	RS2	United Statement America	PARTICIPANT OF THE PROPERTY OF			GMM F
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20-Dec-2002 Final	RESPONSE RS	4352-0101 / PENDING	GMM
	53	Matter Title:	RCS S
20-Dec-2002 Due Date	RS4	4352-0101 / PENDING United States of America	GMM
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20-Dec-2002	RSS	4352-0101 /	PENDING			GMM
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Action Attorney	Action Attorney(Attorney2): IWB IOHN W BAILEY	LIT EV				
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20-Dec-2002	IDS-2 WEEK	1422-0496 /	PENDING		10-Oct-2001	JWB
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20-Dec-2002	NOA XXX	2185-0539 /	PENDING		29-Mav-2001	JWB
Final	NON NON	United States of America				JWB
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20-Dec-2002	IDS	2185-0588/			31-Oct-2001	JWB
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10/24/09	SAMIN LACOPTA			on name of		
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Action Attorney	Action Attorney(Attorney2): KJR KECIA J REYNOLD	VNOLDS				

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	RS3	į	4352-0101 / United States of America	PENDING Alcon Research, Ltd.	•	.,	KGR GMM RCS
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20-Dec-2002 R Final R	RESPONSE RS2		4352-0101 / United States of America	PENDING			\$ 55 S
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20-Dec-2002 R Final R	RESPONSE RS1		4352-0101 / United States of America	PENDING			KIR MM
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Action Attorney(Attorney2):	LRS	LEONARD R. SVENSSON	NSSON				
20-Dec-2002 R. Final R.	RESPONSE RS	_	0147-0103 / United States of America	PENDING			LRS
	,	Matter Tüle: Remarks:					RCS
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20-Dec-2002 In Duc Date	Information Disclosure Strnat	Title:	0459-0728 / 01 United States of America P	Pending		20-Sep-2002	LRS

' Action Attorney(Attorney2): MAA MARYANNE ARMSTRONG

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on Attorney(A)		Title:		s ,		
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		Title: Oli Control for				
		Remarks: CHAPTER II				
20-Dec-2002 TO BE FILED	FILED	0152-0626/	• Infiled			JAK
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20-Dec-2002 TO BE FILED	FILED	0171-0922 /	Unfiled		\$	SMM
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20-Dec-2002 Final	TO BE FIL.ED TBFA	0445-0329 / United States of America Title: America Remarks: PRORITY	Unfiled	3		JWB
20-Dec-2002 Final	TO BE FILED TBFA	0505-1155 / United States of America Title Commenter Comments: ACTUAL PER CLIENT	Unfiled			JMS PCL
20-Dec-2002 Final	TO BE FILED TBFA	6505-1158 / Title: Remarks: AC	Unfiled H			JMS
20-Dec-2002 Final	TO BE FILED TBFA	0933-0196 / United States of America Titl	Unfiled			GMM
20-Dec-2002 Final	TO BE FILED TBFA	0993-0198 / United States of America Tit	Unfiled			GMM
20-Dec-2002 Final	TO BE FILED TBFA	1264-0149 / United States of America Tüle: Remarks: CHAPTER II	Unfiled			JAK
20-Dec-2002 Due Date	TO BE FILED TBF	1311-0128 / United Status of America Title Remarks: DUF DATE	Unfiled			GMM

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20-Dec-2002 Final	TO BE FILED TBFA	1928-0142 / United States of America Title:			KW
20-Dec-2002 Final	TO BE FILED TBFA	1928-0143 / United States of America near Title. Remarks: PRIORITY	Unfiled		KW
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20-Dec-2002 Final	TO BE FILED TBFA		Unfiled		88
20-Dec-2002 Due Date	TO BE FILED TBF	2815-0209 / United States of America Title: U	Unfiled		GMM
20-Dec-2002 Final	TO BE FILED TBFA	2950-0235 / Christian s of America Title: Remarks: PRIONITY	Unfiled		JAK
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20-Dec-2002	TO BE FILED	4459-0111 /	Unfiled			KM
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20-Dec-2002	TO BE FILED	4459-0112 /				KW
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		Remarks: Di	L		
Action Attorney(Attorney2):	RCS	RAYMOND C. STEWART			
20-Dec-2002	RESPONSE	0147-0103 /	PENDING		300
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20-Dec-2002	CALL UP	0152-0625/	Unfiled		BCs.
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20-Dec-2002	RS3	4352-0101 /	PENDING			RCS
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on Attorney(Attorney2): RG RICHARD J. GALLAGHER ce-2002 CALL UP United States of America oder CU United States of America Life Denoise Secure CO United States of America Consumption Od. 25-0576./ Fending United States of America Title Denoise United States of America United States of America Title Denoise Title Denoise	D-Dec-2002	PONSE (1			RCS GMM KJR
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12-Jul-2001 ISSUE FEE 4005-0219 / PENDING IF AUTHOR Title United States of America Feedback Title Title	-Dec-2002 ue Date	Information Disclosure Sunnt AMO 12-18-02	Title;	Pending D.		20-Sep-2002	JWB RG
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Due Date Indicator	Action Due Action Type	Docket Number/SubCase Country	Status Client	App Number Pat Number	App Date Iss Date	Other Attys
Action Attorney(Attorney2):	y(Attorney2): CJB CHAD J. BILLINGS					
20-Dec-2002 Reminder	CALL UP	2119-0204 / United States of America	Pending		01-Nov-2002	MKM
in tea		Title: Emarks: CHECK STATUS OF REQUES	Title: Remarks: CHECK STATUS OF REQUEST FOR REFUND FILED 11-20 PER DM 11-20	M 11-20		<u> </u>
Action Attorney(Attorney2):	y(Attorney2): CMV CATHERINE M. VO	VE M. VOISINET				
20-Dec-2002	SPECIAL LETTER	1560-0368/	Published		25-Oct-2001	MKM
	S TO THE	Title				CMV
Action Attorney(Attorney2):	DRA	DAVID R. ANDERSON				
20-Dec-2002	SPECIAL LETTER $\langle \rho l \rangle$	1472-0248 /	Published		28-Mar-2002	TCB
Final	SPLI	United States of America				DRA
	J			- N		
20-Dec-2002	SPECIAL LETTER	1982-0124 /	PENDING		28-May-1999	DRA
Final	SPLI SPLI	United States of America Title:		,		DRA
Action Attorney(Attorney2):	y(Attorney2): EAG ELLIOT A. GOLDBI	GOLDBERG				
20-Dec-2002	SPECIAL LETTER	0020-4862 /	PENDING		30-Apr-2001	TCB
Final	SPLI	United States of America				EAG
Action Attorney(Attorney2):	y(Attorney2): FPB F. PRINCE BUTLER	BUTLER				
20-Dec-2002	CALL UP	4077-0104 /	ISSUED		03-Dec-1998	FPB
Reminder	cu Likel	United States of America Title: Content of America Remarks: check on certificate of correction	- Dreiss, Fuhlendorf, Steimle & Becke		20-Feb-2001	FPB
Action Attorney(Attorney2):	y(Attorney2): JLC JOHN L. CICCOZZI	ICCOZZI				!

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		Country	Client	Pat Number	Iss Date	Attys
20-Dec-2002	Filing Reminder	4358-0103 /	Pending		20-Jun-2002	MKM
Due Date	5	United States of America		i i		JLC
	*	Title				
20-Dec-2002 Duc Date	Foreign Filing Reminder Foreign Filing	4358-0103 / United States of America	Pending Lockheed Martin Missiles and FireControl - Dallas		20-Jun-2002	MKM JLC
		Title				
tion Attorne	Action Attorney(Attorney2): JPK JOHN P. KEADY	DY.				
20-Dec-2002	FIRST AMENDMENT	3672-0109/	PENDING		20-Dec-2000	MKM
Due Date	OAF!	United States of America				JPK
tion Attorne	Action Attorney(Attorney2): MEO MARK E. OLDS	SO				
20-Dec-2002	TO BE FILED.	1190-0431 /	PENDING		21-Dec-1999	MKM
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tion Attorn	Action Attorney(Attorney2): MKM MICHAEL K. MUTTER	MUTTER				
20-Dec-2002	Information Disclosure Stmnt	0757-0270 /	Pending		20-Sep-2002	MKM
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20-Dec-2002 Reminder	CALL UP CU	2203-0105 / United States of America	Unfiled		MKM
20-Dec-2002 Reminder	PERFECT FILING PF	3782-0254 / United States of America	Pending Anoto AB	20-Nov-2002	MKM
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20-Dec-2002 Due Date	TO BE FILED TBF Re	United States of America Title Remarks: DUE DATE PER DM 10-16,11-19	Unfiled		MKM
20-Dec-2002 Due Date	TO BE FILED TBF	4358-0110/ United States of America Title Remarks: DUE DATE PER DM 10-16,11-19	Unfiled 19	1	MKM
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Action Attorney(Attorney2): MRG MARTIN R. GEISSLER

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20-Dec-2002 Final	ISSUE FEE IF A Jung	United States of America Title: Title: Remarks: PD Ack. By PTO 11-25-02 10-16	PENDING		10-Oct-2000	MKM MRG
Action Attorney 20-Dec-2002 Due Date	Action Attorney(Attorney2): RWD ROBERT W. DOWNS 20-Dec-2002 FIRST AMENDMENT 071 Due Date OAF1	. DOWNS 0717-0463 / United States of America	PENDING		, 22-Jun-2001	TCB
20-Dec-2002 Due Date	DRAWINGS OA/DR	0717-0463 / United States of America Title Remarks: OA MAILED 9/20	PENDING		22-Jun-2001	TCB RWD
Action Attorney(Attorney2): 20-Dec-2002 TO BE FILE Due Date GM/TBF	TCB TERREL	ELL C. BIRCH Joseph Doors-2127 / Matter Title Remarks: ATTE PER NETS	eActive 8.	À		тсв
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